



# TEXAS COMMISSION ON LAW ENFORCEMENT

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## Commission Meeting Minutes August 25, 2023

On Friday, August 25, 2023, at 9:30 a.m., the Commission Meeting of the Texas Commission on Law Enforcement (TCOLE) was held at the Second Baptist Church, New Children's Building, Room 313, 6400 Woodway Dr., Houston, Texas 77057.

Commissioners attending were: Assistant Presiding Officer Jason Hester; Secretary Patricia Burruss; Constable Ron Hood; Janna Atkins; Mario Lizcano; and Martina Lemond Dixon.

TCOLE Executive staff attending were: Interim Executive Director John Beauchamp; Credentialing, Education and Field Services Director Cullen Grissom; Information Technology and Special Services Director Jessica Capraro; Enforcement Major T.J. Vineyard; Finance Director Brian Roth; and Government Relations Director Gretchen Grigsby.

### **Agenda item 1, Call to order.**

Assistant Presiding Officer Hester called the meeting to order at 9:33 a.m.

The colors were presented by the Houston Police Department Honor Guard.

The pledges of allegiance were led by Commissioner Burruss.

Harris County Precinct 3 Commissioner Thomas Ramsey gave the Invocation.

Roll call of members was called, and a quorum was present. Welcoming remarks were made by Assistant Presiding Officer Jason Hester.

### **Agenda item 2, Approval of the minutes of the June 15, 2023 Commission Meeting.**

Commissioner Burruss made a motion to approve the June 2023 Commissioner Workshop and Commission Meeting Minutes. Commissioner Atkins seconded the motion. The motion passed unanimously.

### **Agenda item 3, Receive reports and take action, if necessary.**

#### **Interim Executive Director's Report**

Interim Executive Director Beauchamp advised that the Commission has begun the implementation of Sunset Advisory Commission Recommendations and other agency-related legislation following the conclusion of the 88<sup>th</sup> Regular Texas Legislative Session. Director Beauchamp advised that the agency gained valuable resources, including twenty-six full time employees (FTEs), a broader budget and a broader range of regulatory and disciplinary authority.

In addition, the agency acquired additional responsibilities related to advisory committees, agency rulemaking and the creation of model policies in three categories: 1.) Misconduct Investigation and Hiring Procedures; 2.) Minimum Standards for Law Enforcement Agencies; and 3.) Examination of a Licensee's medical and psychological fitness for duty. The agency is undergoing hiring and onboarding processes and expanding the agency's headquarters for the agency's twenty-six new FTEs. Director Beauchamp advised that advisory committees are currently under consideration and being staffed and that the agency and Commission will continue to communicate with the regulated community and stakeholders moving forward.

### **Credentialing, Education, and Field Services Report**

Credentialing, Education and Field Services Director Grissom advised that the agency's two final Instructional Designers have been hired and onboarded in the Education Services Division. Director Grissom provided a report on current projects including a mandatory officer mental health and wellness course, Course 4202 Finding Wellness - Building a Healthier Life, that will become mandatory in this next unit. The online course will become available via MyTCOLE on September 1, 2023, and will be required under the 16 hours mandated by TCOLE. The Instructor Resource Guide (IRG) for Course 3188 Legislative Update is currently available for public comment and will be published on September 1, 2023. TCOLE is working on an online version of the course to become available via MyTCOLE. Director Grissom highlighted changes to the Basic Peace Officer Course (BPOC), including the addition of the mandated 16 hours of ALERRT Level 1 - active shooter response training, revisions on missing person investigations and other topics that the agency is currently working with subject matter experts on. New curriculum will be required for academies starting on or after January 1, 2024, and the number of required hours will increase from 720 to 736 hours. The agency partnered with the Texas Department of Public Safety (DPS) to provide an online Radio Safety course via MyTCOLE and Director Grissom expressed how those partnerships are a valuable resource to expand training opportunities. Director Grissom advised that the Credentialing Division has gained an employee, is working to fill two vacancies and has reported a 6% abandonment rate, noting a 5-8% abandonment rate as standard.

Commissioner Lemond Dixon inquired about training opportunities for Texas school districts following the recent legislation requiring armed officers on every school campus. There was a discussion regarding expanding the availability of the school marshal program and regional training. Director Capraro advised that the agency currently has 52 pending applications for law enforcement agencies, including 31 ISDs, with 5 ISDs scheduled for inspections in the next two weeks. Assistant Presiding Officer Hester and Commissioner Atkins inquired about the pending applications and whether there is a hold on applications until model policies are put in place by the advisory committees. Director Beauchamp advised that many of the applications are for ISD Police Departments, and the agency is working to process those applications as expediently as possible to support the compliance of the law requiring officers on all school campuses. Director Capraro advised that the applications are in various stages and a number are pending the receipt of all required documentation.

Commissioner Lemond Dixon reiterated the value of ISD police officers' operational and logistical role in a campus emergency. Commissioner Atkins encouraged municipal police departments and officers to coordinate training with their local school marshals to properly train for campus emergencies.

## **Information Technology and Special Services Report**

Director Capraro advised that the agency has worked diligently on the Target 100 Initiative. The agency has conducted mass outreach to targeted groups and Major Vineyard has personally been calling departments to reach the goal of 100 % compliance across all licensees in this current training unit. Director Capraro announced that the agency has currently reached 99.3% compliance, leaving 590 peace officers and 66 telecommunicators that still need to complete training by the August 31, 2023 deadline. Director Capraro encourages training providers to submit their outstanding rosters. The agency will provide the final compliance statistics to the Commission at the October 2023 Commission Meeting in Corpus Christi.

Commissioner Burruss inquired about the possibility of allowing self-reporting of licensees' training similar to the self-reporting allowed by the State Bar. Major Vineyard advised that there is a grace period for roster reporting ending October 1, 2023.

Director Capraro discussed the network outage the agency experienced and advised that the agency is undergoing a major network infrastructure migration to the cloud, expected to be completed November 30, 2023, as well as other major IT projects. The agency is bringing in a consultant to analyze the network outage and to assist the agency until the November 30 migration completion. The agency will be launching its new website in September 2023 and is working on the unified login project to unify and simplify licensees' accounts and passwords across all TCOLE applications.

## **Enforcement Report**

Major Vineyard discussed the period of growth the agency is in following the TCOLE Sunset Review during the 88<sup>th</sup> Regular Texas Legislative Session. In anticipation of the agency's growth, Marina Petkovsek has been promoted to Captain in the Enforcement Division and investigators are being interviewed. Captain Petkovsek has recently completed the FBI Leadership Trilogy and is instrumental to Enforcement operations. Major Vineyard attributes the increase in well-qualified Investigator candidates to the salary increase provided by the legislature. The agency is working on streamlining TCLEDDS operations and investigation processes. Major Vineyard recognized Veronica Glover and Michelle Hammonds with DPS Crime Records for working with TCOLE to provide data for mass RapBack subscriptions in accordance with the Sunset Recommendation that the agency subscribe to all the agency's over 132,000 licensees. The agency was able to increase the number of subscriptions from 75,000 by 39,000, bringing the agency from 55-56% to over 85% in one day. Courtney Rolando in the Enforcement Division has worked diligently on the subscription system and creating a process in which the system can be checked monthly. Major Vineyard discussed the agency's fleet vehicle acquisition, advising that the agency has purchase orders out for 26 vehicles, including the equipment to outfit the vehicles, for all sworn personnel. Major Vineyard discussed the Target 100 Initiative and recognized Lieutenant Gonzalez of the Harris County Sheriff's Office, as well as Houston Police Department and DPS as examples of large departments he has worked with to get the noncompliance numbers down into the single digits.

## **Government Relations Report**

Government Relations Director Grigsby discussed the agency's implementation of recommendations provided by the Sunset Advisory Commission during the 88<sup>th</sup> Regular Legislative Session. Director Grigsby advised that TCOLE is working to establish three advisory committees: 1.) Misconduct Investigation and Hiring Procedures; 2.) Minimum Standards for Law Enforcement Agencies; and 3.) Examination of a Licensee's medical and psychological fitness for duty. To date, TCOLE has received 167 applications for the advisory committees, including many highly-qualified candidates. The Commission is working on the final adoption of TCOLE Rule 211.36 to set the framework for the composition of the advisory committees and will be working on an aggressive timeline moving forward. The agency is working to implement new training requirements set by the 88<sup>th</sup> Regular Texas Legislature, and Director Grigsby recognized the Education Services team for the valuable curriculum work they are doing with stakeholder groups to provide instructor resource guides by September 1, 2023. Director Grigsby also recognized the Special Services team for their work with ISD Police Departments, their work on the school marshal program and increasing the availability of school marshal training. The number of training providers for the program has increased from 2 to 7 academies. Director Grigsby highlighted the coordinated work by each TCOLE Division on the agency's Target 100 Initiative, stating that not only do the agency improvements give her something good to report back to the Texas Legislature, but they reduce the staff workload on licensee noncompliance cases moving forward as well.

Commissioner Hood inquired about the cost of the school marshal program and what funding is available to school districts. Director Grigsby advised that following the tragic Santa Fe school shooting in 2018, TCOLE has received grant funding from the Governor's Office to provide to school districts to cover all costs associated with the school marshal program, other than travel expenses or optional add-ons. Legislation passed in the 88<sup>th</sup> Regular Texas Legislative Session granted TCOLE an exceptional item transferring the school marshal grant to General Appropriations to secure the funding for school districts moving forward.

Commissioner Hester inquired about the 16 hours of ALERRT Level 1 to be required in the updated Basic Peace Officer Course (BPOC). Director Grissom advised that the 16 hours will be required in the BPOC every two years in accordance with the law and that the law mandates that the training is conducted by ALERRT or an ALERRT-Certified Trainer with ALERRT-approved curriculum.

## **Finance Report**

Finance Director Roth provided a report on the agency's financial and human resources operations. Director Roth advised that the agency is in the fourth and final quarter of fiscal year 2023. The agency has hired 15 new employees and currently has 11 job openings posted with several more to be posted soon. The agency secured more stable funding, resources, and two full time employees (FTEs) for the school marshal program in the 88<sup>th</sup> Regular Texas Legislative Session. Additional resources secured include one million a year in funding for the Texas Law Enforcement Peer Network, increased rent funding for additional office space, data capabilities, legal and IT resources and staff raises. Since the last meeting, the Human Resources Division has set up the system for fiscal year 2024, conducting end of year agency procurements, hired and onboarded new staff, updated employee insurance and benefits during summer enrollment and

conducted agency-wide staff evaluations.

Discussion occurred on conducting intentional onboarding of new agency staff.

Commissioner Burrus made a motion to approve the Directors' reports as presented. Commissioner Lizcano seconded the motion. The motion passed unanimously.

**Agenda item 4, Discuss and take action on Advisory Committees recommendations.**

- Misconduct Investigation and Hiring Procedures
- Minimum Standards for Law Enforcement Agencies
- Examination of a Licensee

No action taken.

**Agenda item 5, Final Adoption of Rule 211.36, setting a framework for the establishment of TCOLE Advisory Committees.**

There was a discussion regarding TCOLE Rule 211.36, setting a framework for the establishment of TCOLE Advisory Committees. Commissioner Burruss made a comment that the language "no more than 12", regarding the number of committee members, could be a limiting factor. Commissioners agreed on correcting the language in the rule to state, "not less than nine". Commissioner Atkins made a motion to finally adopt TCOLE Rule 211.36 with the updated non-material language as presented by Commissioner Burruss. Commissioner Lemond Dixon seconded the motion. The motion passed unanimously.

**Agenda item 6, Discuss and take action on the Request for Class A Waiver of TCOLE Rule 217.1 Minimum Standards for Enrollment and Initial Licensure.**

**Oldham County Sheriff's Office, Sheriff Brent Warden on behalf of Richard W. Humphries**  
Sheriff Brent Warden requests a Class A Waiver of TCOLE Rule 217.1 on behalf of Richard W. Humphries of the Oldham County Sheriff's Office, who was arrested on a marijuana charge in 1974 at the age of 17. Sheriff Warden and Mr. Humphries both provided statements before the Commission. Sheriff Warden stated that Mr. Humphries is an asset to his office and that, following Mr. Humphries' background oversight, the Sheriff's Office has put in place a new and improved background investigation process.

After brief discussion, Commissioner Burruss made a motion to approve the Class A Waiver of TCOLE Rule 217.1 on behalf of Mr. Richard W. Humphries of the Oldham County Sheriff's Office. Commissioner Lizcano seconded the motion. The motion passed unanimously.

**Agenda item 7, Discuss and take actions on proceedings for revocation, suspension, and other disciplinary actions.**

*Default Suspension Orders*

Banks, Johnny L.	Jailer	LaSalle Southwest Corrections Jefferson Cnty. Downtown Jail
Davis, Annette	Jailer	Karnes Cnty. Correctional Center
Freeman, Jason C.	Peace Officer	Carrollton Police Dep't
Ganaway, Devon L.	Peace Officer	Texas Dep't of Public Safety
Hernandez III, Rafael	Peace Officer	San Antonio Police Dep't
Holmes, Demarius E.	Peace Officer	San Antonio Police Dep't
Lozano, Jennifer M.	Jailer	Jim Hogg Cnty. Sheriff's Office
Michalec, Glenn P.	Peace Officer	San Antonio Police Dep't

Commissioner Burruss made a motion to approve the Default Suspension Orders. Commissioner Lemond Dixon seconded the motion. The motion passed unanimously.

*Agreed Suspension Waivers*

Fullagar, Stacy A.	Peace Officer	Joshua I.S.D. Police Dep't
Garza, Amado A.	Peace Officer	Jim Hogg Cnty. Constable Precinct 4
Godley, Lisa H.	Peace Officer, Jailer	Bell Cnty. Sheriff's Office

Commissioner Burruss made a motion to approve the Agreed Suspension Waivers. Commissioner Lizcano seconded the motion. The motion passed unanimously.

*Agreed Suspension Orders*

Commissioner Burruss made a motion to approve the Agreed Suspension Orders. Commissioner Lemond Dixon seconded the motion. The motion passed unanimously.

Alexander, Eric L.	Peace Officer, Jailer	Johnson Cnty. Sheriff's Office
Garcia, David	Peace Officer	Maverick Cnty. Sheriff's Office
Hutchings, Cutter M.	Jailer	Gregg Cnty. Sheriff's Office
Tinajero, Juan Jose G.	Peace Officer	Lufkin I.S.D. Police Dep't

**For Information Only**

*Statutory Suspensions*

Anderson, Raven S.	Peace Officer	Prairie View A&M Police Dep't
Barnes, Diedra J.	Jailer	Harris Cnty. Sheriff's Office
Benavides, Bobby J.	Jailer	Nueces Cnty. Sheriff's Office
Hernandez, Leslys B.	Peace Officer, Jailer	Fort Bend Cnty. Sheriff's Office
Megrail, Amanda G.	Jailer	Smith Cnty. Sheriff's Office

*Statutory Revocations*

Garcia, Alvaro R.	Peace Officer	Palm Valley Police Dep't
Parrish, Layton D.	Peace Officer	Dumas Police Dep't

*Term Surrenders*

Cook, Cedric R.	Peace Officer, Jailer	Harris Cnty. Sheriff's Office
Powell, Stephen P.	Peace Officer	Bowie Cnty. Sheriff's Office

*Permanent Surrenders*

Cornejo, Richard A.	Peace Officer	Harris Cnty. Constable Precinct 4
Davis, Todd K.	Peace Officer	Bedford Police Dep't
Esparza, Gilbert H.	Peace Officer	Hamilton Police Dep't
Esparza, Mandy J.	Peace Officer	Lampasas Cnty. Constable Precinct 4
Fortner, Desmond D.	Jailer	Harris Cnty. Sheriff's Office
Garza, Abraham R.	Peace Officer, Jailer	Dimmit Cnty. Sheriff's Office
Griffith, Kent F.	Peace Officer, Jailer	Garza Cnty. Sheriff's Office
Guerrero Jr., Miguel A.	Peace Officer	Idalou Police Dep't
Haak, Thaddeus J.	Peace Officer	Abilene Police Dep't
McDermott, Andrew D.	Peace Officer, Jailer	Bexar Cnty. Sheriff's Office
Melasky, Melissa L.	Peace Officer, Jailer	Brazos Cnty. Sheriff's Office
Mercer, Ira A.	Peace Officer, Jailer	Palo Pinto Cnty. Sheriff's Office
Quintanilla, Jose A.	Peace Officer	Harris Cnty. Sheriff's Office
Sanchez, Eduardo	Jailer	Bexar Cnty. Sheriff's Office
Silva, Paul D.	Peace Officer	Bryan Police Dep't
Solomon, Jaykedric J.	Jailer	Harris Cnty. Sheriff's Office
Vasquez, Joaquin	Peace Officer	Hidalgo Cnty. Sheriff's Office

*Reprimand for Administrative Violations*

Hester, Grady R.	Peace Officer	Littlefield Police Dep't
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**Agenda item 8, Discuss and take action on the process, procedure, and qualifications related to the selection of the next Executive Director, if necessary.**

Information regarding the TCOLE Executive Director selection process was provided by the Commission. The application deadline is August 31, 2023. The Commission intends to conduct Executive Director interviews at TCOLE Headquarters in Austin on September 11 and 12, 2023, and an open meeting notice will be posted in accordance with the Open Meetings Act. Commissioners are asked to submit their interview questions in advance. The Commission intends to hold the interviews in Executive Session, then adjourn the Executive Session and provide a formal recommendation once back in open session. The agency's goal is to have a new Executive Director in place by October 2023.

**Agenda item 9, Receive public comment on any topic, without action.**

Public comment was provided to the Commission by Mr. Kevin Shepherd regarding the

transparency of TCOLE Rule 211.20 and expressed his hardship in finding a waiver sponsor. Assistant Presiding Officer Hester thanked Mr. Shepherd for his comments and for appearing before the Commission. Director Beauchamp advised Mr. Shepherd that the Commission was not permitted to engage during the public comment period and asked Mr. Shepherd to speak to him after the meeting to exchange information and further discuss his concerns and questions.

**Agenda item 10, Executive Session to discuss pending or contemplated litigation, settlement offers, and personnel issues, including evaluation of Executive Director's job performance and selection of Executive Director, pursuant to sections 551.071 and .074 of the Texas Government Code, Open Meetings Act.**

No Executive Session was held.

**Agenda item 11, Return from Executive Session to report and discuss further actions to be taken as a result of the Executive Session, if necessary.**

No Executive Session was held.

**Agenda item 12, Adjourn.**

Commissioner Lemond-Dixon thanked Second Baptist Church and local leaders for their assistance and support having the Commission in Houston.

Commissioner Burruss made a motion to adjourn the meeting. Commissioner Lizcano seconded the motion. The motion passed unanimously.

The meeting adjourned at 11:50 a.m.